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Licensee.

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WHEREAS, after passing the NCLEX exam in 2012, Licensee became employed as an RN at St. Mary's Hospital and Healthcare Center as well as Kelly's Retirement Center in Pierre, South Dakota; and

WHEREAS, in August 2012, Licensee's compliance was again reviewed with HPAP and it was recommended that her participation be extended to a full year of compliance. On August 2, 2013, Licensee's drug screen was positive for Tramadol. There were no concerns with the Licensee's worksite monitor or her place of employment as this Tramadol was not diverted. Licensee's non-compliance with HPAP was reported to the South Dakota Board of Nursing ("Board") on November 14, 2013, and Licensee was issued a Letter of Concern with continued HPAP for a period of five (5) years. Licensee's license was restricted to a single-state license only; and

WHEREAS, in early January 2014, the Licensee's worksite monitor reported unreliability of the Licensee to the HPAP program. An improvement plan was put into place with no further indications of problems. However, on August 4, 2014, Licensee was out of compliance with HPAP in regard to her quarterly meetings. A second Letter of Concern was issued by the Board on December 11, 2014. Licensee was asked to voluntarily refrain from practice in January 2015; and

WHEREAS, in February 2015, Licensee was issued a letter discharging her from the HPAP program. In reviewing all of Licensee's quarterly reports, she had been non-compliant for nine out of thirteen quarters of her participation; and

WHEREAS, on June 11, 2015, following a due process hearing before the Board, the Licensee was suspended from nursing following the issuance of Findings of Fact, Conclusions of Law and Order of Suspension; and

WHEREAS, on or about August 16, 2018, the Licensee requested reinstatement, and submitted an evaluation report from HPAP evidencing her participation. The Licensee also provided documentation and a report from HPAP which supported her reinstatement request; and

WHEREAS, the Board has considered the Licensee's request, the documents submitted, and being fully advised in the premises;

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. That the Licensee's license to practice as a registered nurse in the State of South Dakota is hereby reinstated.
3. The Board hereby mandates Licensee's continued participation in HPAP.
4. All terms and conditions as well as clearance to return to employment and any restrictions on access to narcotics shall be set by the HPAP, and the Licensee shall fully comply with all of those terms and conditions.
5. Additionally, Licensee shall comply with the following conditions during the term of this order:

CONDITIONS


1. Licensee shall at any time during the term of this order report in person to such meetings of the Board or to its designated representative as directed and otherwise fully cooperate with the Board or its representatives in terms of this order.
2. The Licensee shall notify the Board, as well as HPAP, in writing, within one (1) week of any change in nursing employment, personal address, and/or telephone number.
3. Licensee shall pay for all costs and expenses in carrying out conditions of HPAP.
4. That following completion of the application for reinstatement, the Licensee shall be issued her RN license by the Board office.
5. During the term of this order, the Licensee is to immediately inform the Board of the outcome of any criminal charges presently or hereafter pending against the Licensee, and whether the Licensee has been convicted, pled no contest, *nolo contendere*, pled guilty to or been granted a deferred judgment or adjudication, suspended imposition of sentence with respect to a felony, misdemeanor or petty offense, other than minor traffic violations, that have not previously been reported to the Board.
6. If the Licensee violates any terms of this order, the Board may take such action against Licensee's license as the Board deems necessary, up to and including an immediate suspension, additional terms, revocation, or other disciplinary action.
7. Licensee shall not violate any law or regulation regarding the practice of nursing.
8. The Licensee shall not practice nursing in any state other than South Dakota, which is a party state to the Nurse Licensure Compact, without prior written authorization from

both the Board and the Nursing Regulatory Authority in the party state in which the Licensee desires to practice.

9. This order also affects Licensee's practice privilege to practice in South Dakota should Licensee change her home state under the Nurse Licensure Compact and Licensee's practice privilege is subject to the same requirements set forth in this order as her South Dakota license.

IT IS HEREBY ORDERED that the above Order of Reinstatement with Mandated HPAP was adopted by the South Dakota Board of Nursing on the 13th day of September, 2018, by a vote of 7-0.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, RN, MS
Executive Director